

Michael C. Murphy, Esq. (S.B. No. 104872)  
Michael@murphlaw.net  
Michael C. Murphy, Jr. Esq. (S.B. No. 305896)  
Michael.jr@murphlaw.net  
LAW OFFICES OF MICHAEL C. MURPHY  
2625 Townsgate Road, Suite 330  
Westlake Village, CA 91361  
Tel.: (818) 558-3718  
Fax: (805) 367-4506

Attorneys for Defendant,  
Patrick M. Byrne

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ROBERT HUNTER BIDEN,

Plaintiff,

vs.

PATRICK M. BYRNE,  
Defendant.

Case No.: 2:23-cv-09430-SVW-PD  
Judge: Honorable Stephen V. Wilson  
Courtroom: 10A

**DECLARATION OF MICHAEL C.  
MURPHY, ESQ. IN SUPPORT OF  
EX PARTE APPLICATION FOR A  
COURT ORDER FOR EXTENSION  
OF TIME FOR DEFENDANT  
PATRICK BYRNE TO FILE  
INFORMATION REQUESTED IN  
THE COURT'S ORDER OF  
NOVEMBER 6, 2024**

*Filed Concurrently with Ex Parte  
Application and [Proposed Order]*

Complaint Filed: November 8, 2023

Date: October 8, 2024  
Time: 9:00 a.m.  
Ctm.: 580

Judge: Patricia A. Donahue

**DECLARATION OF MICHAEL C. MURPHY, ESQ.**

I, Michael C. Murphy, Esq., declares as follows:

1. I am an attorney at law, duly licensed to practice law in the State of California and admitted to practice before the United States Central District Court. I submit this Declaration in support of Defendant's Ex Parte Application. I am personally familiar with the facts set forth in this Declaration and if called upon I could and would competently testify to the foregoing.

2. Pursuant to Central District Local Rule 7-19, Defendant Patrick Byren ("Defendant") applies Ex Parte for a court order extending the time for him to provide the information the court is requesting in its order of November 6, 2024, that he file with the court on November 8, 2024, and allow him to have up to and including November 11, 2024, to file that requested information.

3. Defendant is asking the court to consider and rule on this Ex Parte Application promptly in chambers and without a hearing in open court so the court can rule on the Ex Parte Application as soon as possible to enable Defendant to have the time he needs to comply with the court's order of November 6, 2024.

4. In the court's order of November 6, 2024, that was issued by the court without notice, an opportunity for the Defendant to respond, and without a hearing, the court in items 2 and 3 of its order has requested that Defendant submit information to the court in response to its order including Defendant's Declaration, his doctor's Declaration both with certain attachments, and medical evidence that supports Defendant's medical condition that precludes him from flying and being able to attend his deposition in the United States as ordered by the court.

5. There is good cause for the court to grant this Ex Parte Application:

A. The court's order of November 6, 2024, was issued without any advance notice to Defendant, without an opportunity for Defendant to be heard at a hearing before the order was issued, without any advance Notice of hearing, and without an Ex Parte Application made by Robert Hunter Biden.

1 B. Defendant is unable to meet the deadline of November 8, 2024, to file  
2 his documents with the court because he has been ill with a serious heart problem,  
3 there is a time difference of eleven hours between Qatar and Los Angeles which  
4 makes it extremely difficult if not impossible for me to meet the deadline date of  
5 November 8, 2024, obtain the information requested by the court in such a short  
6 amount of time, prepare Defendant's Declaration and timely submit it with  
7 attachments to the court.

8 C. Defendant's treating physician, Dr. Cynthia S. Maule will not be able  
9 to assist me with the completion and filing of her required Declaration setting forth  
10 her medical opinions concerning Defendant's heart condition and ability to fly  
11 until over the weekend because her mother was in hospice and died today. Her  
12 medical testimony is critical to showing the court the nature, extent, treatment,  
13 assessment of Defendant's heart condition and how it precludes him from  
14 travelling to the United States to attend his deposition.

15 6. There is good cause for the court to grant this Ex Parte Application  
16 under Federal Rule of Civil Procedure 6(b). There has been no previous extension  
17 of time requested and granted to the Defendant to comply with the court's order of  
18 November 6, 2024. The inability of Defendant to not be able to meet the court's  
19 filing deadline for his requested information is not deliberate and he will be  
20 irreparably prejudiced if the court does not grant this Ex Parte Application because  
21 without him being able to meet the court's deadline to file his information with the  
22 court in compliance with its order of November 6, 2024, the court could issue an  
23 order mandating he travel to attend his deposition in the United States without the  
24 evidence Defendant has to support his contention that it is medically dangerous for  
25 him to make that travel by flying at this time and would be highly prejudiced by  
26 that outcome.

27 7. Pursuant to Central District Local Rule 7-19.1, on November 7, 2024,  
28 I notified Plaintiff's counsel, Zachary Hansen of my intent to seek this Ex Parte

1 Relief for the continuance requested herein. He indicated that he did not oppose  
2 our Ex Parte Application for the requested extension of time and will not appear at  
3 this Ex Parte Application.

4 8. Accordingly, there is good cause for the court to grant this Ex Parte  
5 Application and grant the requested continuance. Plaintiff's counsel does not  
6 oppose this Ex Parte Application.

7 I declare under the laws of the United States of America that the foregoing is  
8 true and correct and that his Declaration was executed this 7<sup>th</sup> day of November  
9 2024, at Westlake Village, California.

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11 Michael C. Murphy, Esq.  
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